

Interview Summary	Application No. 10/717,425	Applicant(s) GARTON, DARWIN	
	Examiner Stephen J. Castellano	Art Unit 3727	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Stephen J. Castellano. (3) _____
 (2) Mr. John Collins (appl. rep.). (4) _____

Date of Interview: 12 October 2005.

Type: a) ☐ Telephonic b) ☐ Video Conference
 c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
 If Yes, brief description: _____.

Claim(s) discussed: Of record.

Identification of prior art discussed: Of record.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Discussed proposed claims (attached). Proposed claims 1-36 read over the rejections of record.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.


 Stephen Castellano
 Primary Examiner

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

 Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COPY

Application of:

GARTON, Darwin

Patent No.: 6,318,581

Issued: November 20, 2001

DISCHARGE OUTLET FOR DOUBLE
WALL CONTAINMENT TANK
ASSEMBLY

Docket No.: 27769-REI

Confirmation No. :

Group Art Unit No.:

Customer No.: 23589

Examiner: Castellano, Steven

Commissioner of Patents
Post Office Box 1450
Alexandria, VA 22313-1450

**PROPOSED
AMENDMENT**

In response to the Office Action dated July 14, 2005, Applicant respectfully requests amendment and reconsideration of the above-identified application.

Amendments to the Specification begin on on page 2 of this paper.

The Listing of Claims begins on page 3 of this paper.

Remarks begin on page 14 of this paper.

Specification:

Please amend the specification as it presently appears in the issued U.S. Patent No. 6,318,581 at column 3, lines 42-62 as follows:

The sealing boot 90 is located in the containment area 76 and preferably rotationally molded of synthetic resin such as either high density linear or low density polyethylene for flexibility. The sealing boot 90 is provided in the shape of a tire, including a flat inner wall 112 provided with surrounding, circumferentially spaced apertures 114 for the receipt of bolts 110 therethrough, and a central hole 56 for alignment in registry with the port 54 and the central opening 102 of the neck 100. An circumferentially extending cup-shaped protrusion 116 extends radially outwardly from the flat inner wall 112, with flat outer wall 118 extending radially inwardly therefrom in spaced, opposed relationship to flat inner wall 112. The flat outer wall 118 includes an inner margin 120 having a transverse dimension [D] which is substantially the same as that of the access opening 78 and [smaller] larger than the diameter of the central hole 56 of the flat inner wall 112. The sealing boot 90 thus defines an annular, circumferentially extending channel 122 which permits flexing of the boot 90 and captures liquid leaking past the inner coupler assembly.

Claims:

1. (Currently Amended) A discharge outlet for a double walled containment tank having an inner tank having a chamber for receiving liquid therein and a port for the passage of liquid therethrough, and an outer containment vessel having an access opening aligned with the port, the inner tank and the outer containment vessel defining a containment area therebetween, said discharge
5 outlet comprising:

a conduit fluidically coupled to the inner tank;

a flexible, annular sealing member positioned between the inner tank and the outer containment vessel in substantial alignment with the port and the access opening in surrounding relationship to said conduit, said sealing member presenting a pair of
10 opposed holes, one of said holes being of substantially greater diameter than the other
of said holes;

a first coupler for connecting said sealing member to the inner tank around the port; and

a second coupler for connecting said sealing member to the outer containment vessel around the access opening and thereby fluidically isolating the containment area from the
15 access opening.

2. (Original) A discharge outlet as set forth in claim 1, wherein said sealing member includes a circumferentially extending cup-shaped protrusion.

3. (Original) A discharge outlet as set forth in claim 2, wherein said sealing member is a flexible synthetic resin material.

4. (Currently Amended) A discharge outlet as set forth in claim 3, wherein said sealing member includes a substantially flat inner wall extending radially inwardly from said protrusion and having a central said smaller diameter hole therein for permitting the passage of liquid therethrough.

5. (Currently Amended) A discharge outlet as set forth in claim 4, wherein said first coupler includes an inner flange positioned in the chamber and an outer flange positioned in the containment area for receiving a wall of the inner tank therebetween, each of said inner flange and intermediate outer flanges having a central opening for the passage of liquid therethrough.

6. (Original) A discharge outlet as set forth in claim 5, wherein said conduit includes a discharge tube fluidically connected to said intermediate flange and having a length sufficient to extend exteriorly of the outer vessel.

7. (Original) A discharge outlet as set forth in claim 6, wherein said conduit includes an inner tube fluidically connected to said inner flange.

8. (Original) A discharge outlet as set forth in claim 3, wherein said sealing member includes a substantially flat outer wall extending radially inwardly from said protrusion and having an inner margin.

5 9. (Original) A discharge outlet as set forth in claim 8, wherein said inner margin is spaced outwardly from said conduit.

10. (Currently Amended) A discharge outlet as set forth in claim 3, wherein said second coupler includes an inner flange plate ~~positioned in said channel~~.

10 11. (Original) A discharge outlet as set forth in claim 10, wherein said inner flange is provided as two semi-annular flange plate halves.

12. (Currently Amended) A discharge outlet as set forth in claim 11, wherein said second
15 coupler includes an outer flange plate ~~and positioned relatively exteriorly of said flat outer wall~~.

13. (Currently Amended) A double walled containment tank assembly comprising:

an inner tank having a chamber for receiving liquid therein and a port for the passage of

liquid therethrough;

an outer containment vessel having an access opening aligned with the port, the inner tank
and the outer containment vessel defining a containment area therebetween; and

a discharge outlet, said discharge outlet including:

a conduit fluidically coupled to said inner tank;

5 a flexible, annular sealing member positioned between said inner tank and said outer
containment vessel in substantial alignment with said port and said access opening
in surrounding relationship to said conduit, said sealing member presenting a pair of
opposed holes, one of said holes being of substantially greater diameter than the other
of said holes;

10 a first coupler for connecting said sealing member to said inner tank around said port; and
a second coupler for connecting said sealing member to said outer containment vessel around
said access opening and thereby fluidically isolating said containment area from said
access opening.

15 14. (Original) A containment tank as set forth in claim 13, wherein said sealing member
includes a circumferentially extending cup-shaped protrusion.

15. (Original) A containment tank as set forth in claim 14, wherein said sealing member
is a flexible synthetic resin material.

16. (Currently Amended) A containment tank as set forth in claim 15, wherein said sealing member includes a substantially flat inner wall extending radially inwardly from said protrusion and having ~~a central~~ said smaller diameter hole therein for permitting the passage of liquid therethrough.

5

17. (Currently Amended) A containment tank as set forth in claim 16, wherein said first coupler includes an inner flange positioned in said chamber and an outer flange positioned in the containment area for receiving a wall of said inner tank therebetween, each of said inner flange and ~~intermediate~~ outer flanges having a central opening for the passage of liquid therethrough.

10

18. (Original) A containment tank as set forth in claim 17, wherein said conduit includes a discharge tube fluidically connected to said intermediate flange and having a length sufficient to extend exteriorly of said outer vessel.

15

19. (Original) A containment tank as set forth in claim 18, wherein said conduit includes an inner tube fluidically connected to said inner flange and extending into said chamber adjacent a bottom wall of said inner tank.

20. (Original) A containment tank as set forth in claim 15, wherein said sealing member

includes a substantially flat outer wall extending radially inwardly from said protrusion and having an inner margin, said outer wall being positioned proximate said outer vessel.

21. (Original) A containment tank as set forth in claim 20, wherein said inner margin is
5 spaced outwardly from said conduit.

22. (Currently Amended) A containment tank as set forth in claim 15, wherein said
second coupler includes an inner flange plate ~~positioned in said channel~~.

10 23. (Original) A containment tank as set forth in claim 22, wherein said inner flange is
provided as two semi-annular flange plate halves.

24. (Currently Amended) A containment tank as set forth in claim 23, wherein said second coupler includes an outer flange plate ~~and positioned relatively exteriorly of said flat outer wall and proximate said outer vessel.~~

5 25. (Currently Amended) A discharge outlet for a double walled containment tank having an inner tank provided with a chamber for receiving liquid therein and having a side wall provided with a port therein for passage of liquid therethrough, and an outer containment vessel having a wall portion provided with an access opening having a predetermined area and positioned generally across from the port in the side wall of the inner tank, the inner tank and the outer containment vessel
10 defining a containment area therebetween, said discharge outlet comprising:

a conduit coupled to the port in the side wall of the inner tank for fluidic communication of
the conduit with the inner tank;

said conduit extending through the access opening in the outer containment vessel;

a flexible annular boot member positioned in surrounding relationship to the conduit and

15 having opposed annular end portions, each of said annular end portions defining a hole, one of said holes having a diameter greater than the diameter of the other of said holes;

a first coupler sealingly coupling ~~one~~ the end portion of the boot member having said larger diameter hole to the outer containment vessel around the access opening therein; and

a second coupler sealingly coupling the ~~other~~ end portion of the boot member having said smaller diameter hole adjacent to the conduit in spaced relationship from the first coupler,

the area of said access opening being greater than the cross-sectional area of that part of the

5 conduit extending through said access opening,

whereby said boot member prevents leakage of liquid from the double walled containment tank that may collect in the containment area.

26. (Previously Presented) A discharge outlet as set forth in claim 25, wherein the boot member is sufficiently flexible to permit limited relative movement between the inner tank and the outer containment vessel.

5 27. (Previously Presented) A discharge outlet as set forth in claim 25, wherein said first coupler is annular and spaced radially outwardly of said conduit to permit limited relative movement between the conduit and the containment vessel.

10 28. (Previously Presented) A discharge outlet as set forth in claim 25, wherein said other opposed annular end portion of the boot member is sealingly coupled to the conduit adjacent the port in the side wall of the inner tank.

29. (Previously Presented) A discharge outlet as set forth in claim 25, wherein said second coupler sealingly couples said other end portion to said inner tank.

15 30. (Previously Presented) A discharge outlet as set forth in claim 25, wherein said boot member includes a circumferentially extending cup-shaped protrusion.

31. (Previously Presented) A discharge outlet as set forth in claim 30, wherein said cup-

shaped protrusion has a maximum cross-sectional area greater than the area of the access opening.

32. (Previously Presented) A discharge outlet as set forth in claim 25, wherein said boot member is of a flexible synthetic resin material.

5

33. (Currently Amended) A discharge outlet as set forth in claim 25, said boot member having first and second outer end portions, wherein said ~~one~~ first outer end portion of the boot member has a unitary first annular wall, ~~an~~ a first annular gasket between the side wall portion of the outer containment vessel and the first annular wall of the boot member to prevent leakage of fluid

10 from the containment area of the tank through said access opening of the containment vessel.

34. (Currently Amended) A discharge outlet as set forth in claim 25 33, wherein said ~~other~~ second end portion of the boot member has a unitary second annular wall and ~~an~~ a second annular gasket surrounding the conduit and sealingly engaging the second annular wall of the boot member to prevent leakage of fluid from the containment area between the inner tank and the

15 containment vessel.

35. (Newly Added) A discharge outlet as set forth in claim 25, said annular boot being located within said containment area.

36. (Newly Added) A discharge outlet as set forth in claim 25, said inner tank having a base, an upright sidewall, and an upper end, said outer containment vessel having a base, an upright sidewall opposed to said inner tank sidewall, and an upper end, said discharge outlet located closer to said inner tank and containment vessel bases than said inner containment and containment vessel upper ends.

5

Remarks:

Claims 1-36 remain for consideration in this application, with claims 1, 13 and 25 being in independent format. In view of the claims as they now stand, the rejections of the last Action must be respectfully traversed.

5 The paragraph appearing at column 3, lines 42-62 of the patent specification has been amended in two respects to conform the wording thereof to the drawings. First of all, the reference to "diameter D" has been amended to remove the "D" identifier, inasmuch as this did not appear in the drawings. In addition, in line 58 the hole defined by the margin 120 of outer wall 118 is erroneously recited as being "smaller than" the opposed hole 56 in the inner wall 112. The Examiner
10 will note that, in fact, the hole in the outer wall 118 is substantially *larger* than the opposed hole 56.

In addition, Fig. 4 has been amended to add three reference numerals, namely the hole 56 in the wall 112, the wall 112, and the hole-defining margin 120 in outer wall 118. Attached is a red-lined markup of Fig. 4, together with a file copy thereof, marked as a replacement drawing.

15 The minor changes made in the specification and the drawing do not, of course, introduce any new matter and improve the readability of the patent specification. Entrance of the amended specification language and drawing is therefore solicited.

Claims 5-7, 10-12, 17-19, 22-24 and 33-34 were rejected under Section 112 for alleged indefiniteness. Claims 5, 10, 12, 17, 22 and 24 have all been amended to overcome the asserted lack of antecedent support. Similarly, claims 33 and 34 have been amended for this same purpose.

20 Accordingly, these rejections are now overcome.

A number of the claims were also rejected as anticipated by the Haumann and Wiegand references. Both of these references are similar, and disclose tank or bottle fittings having end couplers with an intermediate flexible member therebetween. It will be noted in this respect that the flexible members in the references are of constant diameter (see the boot 18 of Haumann and the sleeve 39 of Wiegand), presenting endmost openings or holes of constant diameter.

Independent claims 1, 13 and 25 now all recite that the claimed annular sealing member presents a pair of opposed holes, with one of the holes being of substantially greater diameter than the other of the holes. This is illustrated, e.g., in Figs. 3 and 4 wherein the sealing member 90 has a large diameter hole defined by the margin 120 and adjacent the end of the boot coupled to access opening 78, and an opposed smaller diameter hole 56 which is positioned adjacent to the outlet conduit in registry with port 54.

There is no teaching or suggestion in the art of record of providing a flexible sealing member or boot having the claimed construction. Indeed, the references teach away from the claimed arrangement.

Certain of the original dependent claims have been amended to maintain consistency with the independent claims as amended. Additionally, new dependent claims 35 and 36 have also been added which depend from claim 25. Claim 35 specifically recites that the annular boot is located within the containment area. This is, of course, shown in Fig. 3, for example. Claim 36 recites that the inner and outer tank and vessel respectively have a base, an upright sidewall, and an upper end; and that the discharge outlet is located closer to the bases of the inner tank and containment vessel

than the upper ends thereof. Again, this is plainly illustrated in the drawings and does not constitute new matter. This is also significant in distinguishing the art of record. If, for example, the Haumann reference bottle were turned on it's side, the "discharge outlet" thereof would be precisely centered between the "base" and the "upper end." Here again, nothing in the art of record teaches this
5 claimed combination.

Certain of the claims were also rejected under Section 103 on the basis of Haumann in view of Koma. Koma is only significant insofar as the use of a synthetic resin boot. It in no way addresses or renders obvious the construction as now claimed.

In view of the nature of the amendments made herein, it is not believed that a new
10 Declaration is required. In view of the foregoing, Applicant respectfully requests a Notice of Allowance. In the event of further questions, the Examiner is urged to call the undersigned. Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 19-0522.

Respectfully submitted,

15
by

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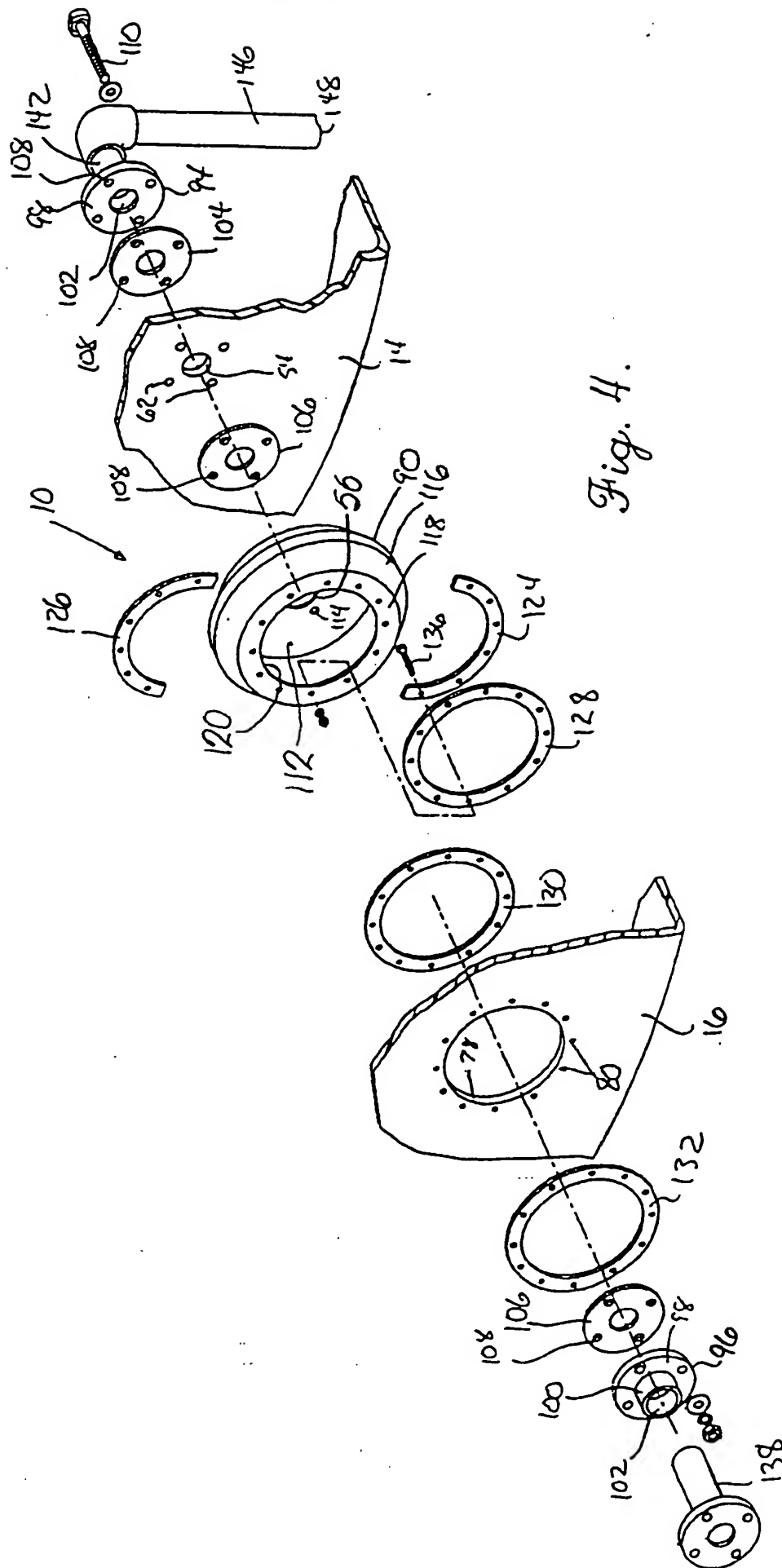


Fig. 4.

